

CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 24, 1997

Morgan Hill Civic Center	Mayor	Dennis Kennedy
Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tem Councilmember Councilmember Councilmember	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster

6:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(Deputy City Clerk Price)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(Deputy City Clerk Price)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED
Per Government Code § 54957.7(a)

OPPORTUNITY FOR PUBLIC COMMENTS
Mayor Kennedy

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority: Government Code Section 54956.9(a)
Title of Case: **Beverly Freeman, Arthur T. College and Robert Coleman v. David Biggs, Estate of Jan Smith, Dennis Kennedy, John Verrella [sic], Gary Baum and the City of Morgan Hill**
Case Number: CV746529
Court: Superior Court, County of Santa Clara
Parties: Beverly Freeman; Arthur College; Robert Coleman; City of Morgan Hill; Dennis Kennedy;
Gary Baum

Subject of Litigation: Writ of Mandate alleging violations of the Brown Act and Censure issues
Closed Session Topic: Extension of Contract with Olson, Hagel, Fong, Leidigh, Waters & Fishburn Olsen from \$70,000 to \$100,000, Status Update

CLOSED SESSION ANNOUNCEMENTS

City Attorney Baum

ADJOURNMENT TO: Regular Redevelopment Agency Meeting (See separate agenda)

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

OTHER BUSINESS:

1. **OFFICE OF EMERGENCY SERVICES OPERATIONAL AREA COUNCIL**
Recommended Action: **Endorse** the Attached Resolution Recommending the Santa Clara County Emergency Preparedness Council be Designated as the Office of Emergency Services Operational Area Council by the County Board of Supervisors.
2. **DETERMINATION OF WHETHER TO ALLOW STAFF TO EXAMINE THE FEASIBILITY OF ALLOWING A PRIVATELY DEVELOPED AND MAINTAINED PARK ON RDA LEASED LAND IN DOWNTOWN**
Recommended Action: **Direct** Staff to Examine the Feasibility of Developing a Passive Park Site in the Downtown Using Volunteer Help for Construction and Maintenance.
3. **CITY ATTORNEY PERFORMANCE EVALUATION PROCESS**
Recommended Action: 1) **Review** Evaluation Process Recommended by Councilmembers Cook and Foster, 2) **Review** Proposal and Calendar Time Line for the Evaluation Process as Outlined in Exhibit A, 3) **Direct** the City Manager to Sign an Agreement for Services with Sentient Systems, Inc. For Facilitation of the Performance Evaluation and Contract Negotiation Process (Exhibit B), and 4) **Select** a City Council Sub-committee for Purposes of Contract Negotiation.

ADJOURNMENT

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

Immediately following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #0 through #0 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.